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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Shinya ABE et al. : Mail Stop: PCT

Serial No. 10/577,926 : Attorney Docket No. 2006_0661A

Filed May 1, 2006 :

WOBBLE INFORMATION RECORDING
METHOD, INFORMATION RECORDING
MEDIUM, AND RECORDING AND
REPRODUCTION METHOD AND
APPARATUS THEREOF

[Corresponding to PCT/JP2005/008838
Filed May 10, 2005]

SUBMISSION OF ENGLISH VERSION OF IPER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An English language version of the International Preliminary Examination Report is submitted herewith for the Examiner's consideration.

Respectfully submitted,

Shinya ABE et al.

By

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May 15, 2007

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | | |
|--|---|---|------------------|
| Applicant's or agent's file reference 665160 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/JP2005/008838 | International filing date (day/month/year) 10 May 2005 (10.05.2005) | Priority date (day/month/year) 11 May 2004 (11.05.2004) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
14 November 2006 (14.11.2006)

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Authorized officer Yoshiko Kuwahara e-mail: pt07@wipo.int |
|---|--|

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 20 OCT 2005

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To:

see form PCT/ISA/220

7/11

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

| | | |
|--|--|---|
| Applicant's or agent's file reference see form PCT/ISA/220 | | Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) |
| International application No. PCT/JP2005/008838 | International filing date (day/month/year) 10.05.2005 | Priority date (day/month/year) 11.05.2004 |
| International Patent Classification (IPC) or both national classification and IPC G11B7/007 | | |
| Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|--|---|
| Name and mailing address of the ISA: | Authorized Officer |
|  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Geoghegan, C Telephone No. +31 70 340-4295 |



Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/008838

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|-----------|
| Novelty (N) | Yes: Claims | 1-7, 9-20 |
| | No: Claims | 8 |
| Inventive step (IS) | Yes: Claims | 1-7, 9-20 |
| | No: Claims | 8 |
| Industrial applicability (IA) | Yes: Claims | 1-20 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V.

1 Reference is made to the following documents:

D1 : WO 2004/025639 A (KONINKLIJKE PHILIPS ELECTRONICS N.V; TIEKE, BENNO; NIJBOER, JAKOB, G;) 25 March 2004 (2004-03-25)

2 INDEPENDENT CLAIM 8

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

an information recording medium comprising a plurality of recording layers (page 2 line 1), wherein a wobble polarity upon reproducing wobble information is the same for all the recording layers irrespective of recording system of each recording layer (page 9 line 19-page 10 line 3 & page 12 lines 1-26).

3 DEPENDENT CLAIMS 9 & 10

The combination of the features of dependent claims 9 and 10 are neither known from, nor rendered obvious by, the available prior art. The reasons are as follows: none of the prior art proposes setting the initial wobble deviation direction in such a manner.

4 INDEPENDENT CLAIM 1

4.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

A method for recording wobble information of an information recording medium which comprises (page 8 lines 16-27 & page 9 lines 29-33): different recording systems (page 9 lines 20-21); and forming a guide groove having wobble information (page 8 lines 16-27 & page 9 lines 29-33).

From this, the subject-matter of independent claim 1 differs in that: it includes provision specifying the initial wobble deviation direction depending on whether the selected recording system is a land-recording system or a groove-recording system

4.1.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT) The problem to be solved by the present invention may be regarded as: one of a long time for start-up because of having to initially detect whether the portions used for recording is the groove portions or the land portions.

4.1.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

none of the prior art proposes setting the initial wobble deviation direction in such a manner.

5 DEPENDENT CLAIMS 2, 11-20

Claims 2, 11 and 16 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step. Claims 12, 13, 14 and 15 are dependent on claim 11, claims 17, 18, 19 and 20 are dependent on claim 16 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

6 INDEPENDENT CLAIM 3 & 5

The same reasoning applies, mutatis mutandis, to the subject matter of the corresponding independent claims 3 and 5 for a recording medium, which is also considered to be new and inventive

7 DEPENDENT CLAIMS 4, 6 & 7

Claim 4 is dependent on claim 3 and claim 6 and 7 are dependent on claim 5

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2005/008838

and as such they also meets the requirements of the PCT with respect to novelty and inventive step.